IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 2230 of 2005

Between:

Smt. Mahanthumatam Shivalingamma, W/o. Late Sri M. Basaiah,
R/o. Mahanthumattam, M.B.T.Road, Punganur, Chittoor District.

..... PETITIONER

AND

1 The Asst. Commissioner, Endowments Department, Chittoor.
2 The Station House Officer, Punganur P.S., Chittoor Dsitrict.
3 R.Ranga Reddy @ dYaadhiChinna Muneappa, S/o. R. Subbi Reddy,
R/o. Rangareddy Colony, Kothapalli Village, H/o. Yeathuru Village,

Marrimakulapalli Post, Punganur Mandal, Chittoor District.
4 Smt. R. Laksmamma, W/o. R. Ranga Reddy @ Chinna Muneappa,
R/o. Rangareddy Colony, Kothapalli Village, H/o. Yeathuru Village,

Marrimakulapalli Post, Punganur Mandal, Chittoor District.
5 R. Nagendra Reddy, S/o. Ranga Reddy @ Chinna Muneappa,
R/o. Rangareddy Colony, Kothapalli Village, H/o. Yeathuru Village,

Marrimakulapalli Post, Punganur Mandal, Chittoor District.

..... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction particularly in the nature of writ of Mandamus declaring the action of the respondents 1 and 2 for not taking any action against the respondents 3 to 5 who criminally tress passed into the land in S.No. 234/1 of Mahanthumatam, M.B.T. Road, Punganur and proposes to raise illegal construction as illegal irregular and improper and pass such other or further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.R.VIJAYANANDAN REDDY

Counsel for the Respondent Nos.1 & 2: G.P. FOR ENDOWMENTS

The Court at the stage of admission made the following:

ORAL ORDER:

Heard both sides.

2. The grievance of the petitioner is that she has some interest over some area of the property of Mahanthu Matam, situated at M.B.T. Road, Punganur, Chittor District.

3. It is her further complaint that respondents
3 to 5 have been trespassing into the lands owned by her as well as the Matam and they are trying to raise some illegal constructions in the said land.

4. In this connection, it is to be seen basically that the petitioner is not the owner of the entire property of the Matam. She only claims substantial share and it is only to some extent in the Matam. Matam again is not the aggrieved party before this Court. No complaint had been made by the Matam against the alleged trustees or the alleged illegal constructions made by respondents 3 to 5.

5. Therefore, the petitioner has no definite right over the other property, which belongs to the Matam. Perhaps, she has right to protect that extent of the property, which belongs to the Matam. It is not specifically averred by the petitioner as to in which part of the property of the Matam she has got substantial interest. However, if the petitioner feels that she has got some substantial interest over any extent in the property of the Matam, she can initiate action on her own against those people who are allegedly interfering with her right, if any. Accordingly, she has to necessarily initiate the proceedings by filing a suit in an appropriate Court for having jurisdiction or by giving a complaint to the police concerned, if so advised.

6. Therefore, having regard to the facts and circumstances, it is suffice to dispose of the writ petition reserving liberty to the petitioner to make a complaint and representation to the second and first respondents respectively against the alleged encroachments and constructions in her properties. Upon such representation and complaint, respondents 1 and 2 in turn, shall take necessary action, as permissible, and, in accordance with law.

7. With the above directions, the writ petition is disposed of at the stage of admission. However, there shall be no order as to costs.

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D.S.R.VARMA, J

07TH MARCH 2005

ISN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Asst. Commissioner, Endowments Department, Chittoor.
2 The Station House Officer, Punganur P.S., Chittoor Dsitrict.
3. Two CCs to G.P. for Endowments, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

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W.P.No.2230 OF 2005

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